

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, AUGUST 11, 1992

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING August 11, 1992,
IN Regular SESSION. PRESIDENT Thomas C. Henry
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY <u>P</u>	EDMONDS <u>P</u>	GIAQUINTA <u>P</u>
HENRY <u>P</u>	LONG <u>P</u>	LUNSEY <u>P</u>
RAVINE <u>P</u>	SCHMIDT <u>P</u>	TALARICO <u>P</u>

ABSENT: _____

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR July 28, 1992

_____, 19__

SPECIAL _____, 19__

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 11th day of August, 19 92, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 12th day of August, 19 92.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

July 28, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-07-05

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of July 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment
From R-1 to M-2

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

3221 Burma Road

Reason for Project

Sale of property for future development.

Discussion (Including relationship to other Council actions)

20 July 1992 - Public Hearing

Gary Lubke, petitioner and owner of the property in question appeared before the Commission. Mr. Lubke stated that he was requesting the rezoning for a potential purchaser.

Charles Layton questioned how people would access the property. Would it be down Burma Road.

Mr. Lubke stated that it would eventually. He stated that currently it is landlocked.

Mr. Lubke stated that the property is sandwiched in between two industrial zones and there is an industrial park behind the property.

Mark Gensic questioned what was on the north side of Burma Road.

Mr. Lubke stated that it used to be Associated Truck Line and then Ditch Witch.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Gary & Dawn Lubke
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation

☒ For

☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For

☐ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

27 July 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

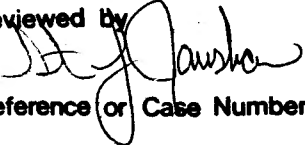
Date 17 June 1992

Projected Completion or Occupancy

Date 28 July 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 28 July 1992

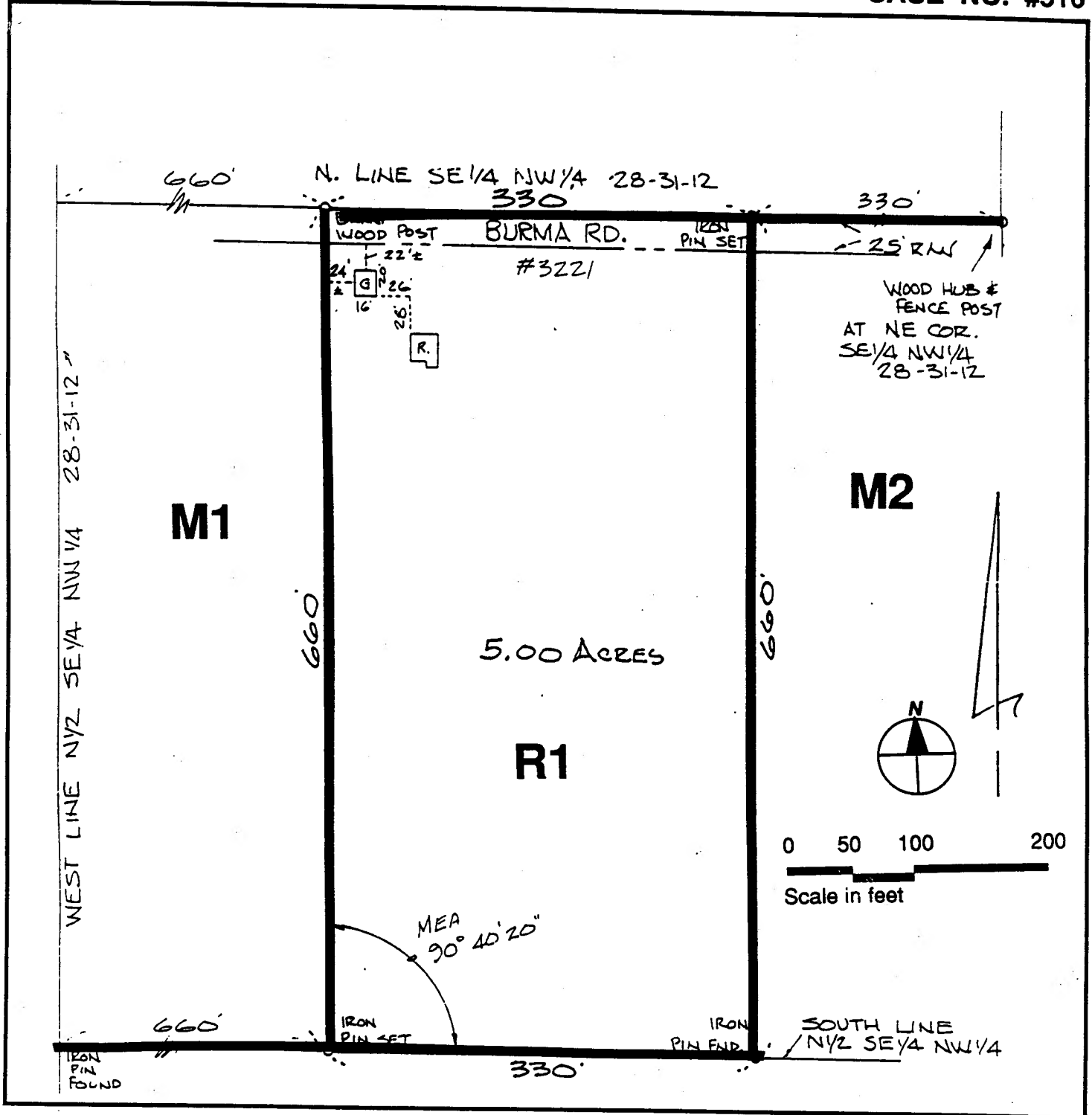
Reviewed by

Reference or Case Number

Date 28 July 1992

REZONING PETITION

AREA MAP

CASE NO. #516



COUNCILMANIC DISTRICT NO. 3

Map No. H-26
LW 6-22-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-07-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1992.

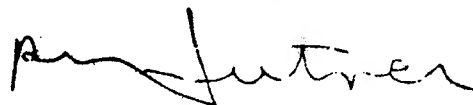
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1992.

Certified and signed this
28th day of July 1992.



Robert Hutner
Secretary

Daniel A. Strayer, agent for Gary and Dawn Luebke, request a change of zone from R-1 to M-2.

Location: 3231 Burma Road
Legal: See file
Land Area: Approximately 5 acres
Zoning: R-1
Surroundings: North M-1 Industrial & Open
South M-2 Industrial
East M-2 Open & residential
West M-1 Open & residential

Reason for Request: Not stated.

Neighborhood Assoc.: None

Comprehensive Plan: The land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This project is located within the Northwest Sector of the Outer Ring. The goal of the Outer Ring is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area.

The goal of the Northwest Sector of the Outer Ring is to manage growth so that prime agricultural land will be preserved.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This parcel is located off of Goshen Road, on the south side of Burma Road. The area has some mixed zoning with residential classifications on this parcel and some additional parcels located closer to Goshen Road. Burma Road is a twenty-five foot right-of-way.

This parcel is surrounded by industrially zoned ground on all

four sides, with residential and industrial designations to the east. Although residential uses do exist on Burma Road, they are impacted by industrial uses on at least two sides, and probably do not represent the highest or best land use.

All rezoning petitions are evaluated by staff using the following criteria; the Comprehensive Plan, the current condition and character of existing structures and uses in the immediate area, the conservation of property values, principles of responsible growth, and by giving "reasonable regard" to the concept of the highest and best use of the land.

Using that basis for review we feel that this site is suitable for approval of the requested petition. Approval is consistent with the Comprehensive Plan, compatible with existing uses to the north and south, and encourages development that is appropriate for the area.

Recommendation: Do Pass for the following reasons:

- 1) Approval is in keeping with the predominate uses and designation in the immediate vicinity.
- 2) Approval would represent the highest and best use of the land in terms of the zoning ordinance, and the principles of responsible growth.
- 3) Approval would be consistent with the Comprehensive Plan.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

July 28, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. G-92-07-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of July 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address N/A
Reason for Project Establishment and designation provides a zoning conversion table from County to City, and also designates the zoning classifications for the city. The current language shall be deleted in its entirety and replaced with the amendment text.
Discussion (Including relationship to other Council actions) <u>20 July 1992 - Public Hearing</u> Steve Ranshaw, Senior Planner, for Community and Economic Development appeared before the Commission. Mr. Ranshaw stated that the current Zoning Ordinance has a conversion chart for County zoning to City zoning. He stated that recently the County has come up with a lot more zoning classifications than what we currently have in the Zoning Ordinance. He stated that all we have done is included the new County classifications and come up with corresponding City classifications and incorporated that into an amendment for the Zoning Ordinance. He stated the only other thing this amendment does is state that if there is no concurrent or specific classification or conversion noted in the ordinance, it puts it upon the Plan Commission then, to come up with whatever the appropriate conversion would be. There was no one else present who spoke in favor of or in opposition to the proposed amendment.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Plan Commission City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

POLICY/PROGRAM IMPACT

Motion carried.

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Date 16 June 1992

Date 28 July 1992

Date 28 July 1992

Reviewed by

Date

28 July 1992

Reference or Case Number

RESOLUTION OF ZONING ORDINANCE TEXT AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1992 referred a proposed text amendment which proposed amendment was designated as Bill No. G-92-07-07; and,

WHEREAS, the required notice of public hearing on such proposed amendment has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed amendment on July 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this amendment be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

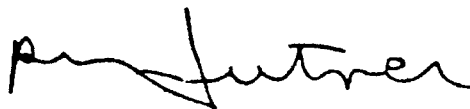
(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1992.

Certified and signed this
28th day of July 1992.



Robert Hutner
Secretary

MEMORANDUM

TO: Plan Commission Members

FROM: Steven J. Ranshaw, Senior Planner, Land Use Management

DATE: July 20, 1992

SUBJECT: Amendment to Zoning District Establishment and Designation Section of the Fort Wayne Zoning Ordinance

Background

Section 33-9 of the Fort Wayne Zoning Ordinance provides for the establishment and designation of zoning classifications within the City of Fort Wayne. This section also provides a specific zoning conversion for recently annexed property. This section has not been updated recently and zoning classifications have continually been added or existing districts have been modified within the Allen County Zoning Ordinance. The objective of this amendment is to assure the orderly conversion of annexed property from Allen County to the City of Fort Wayne as it pertains to the zoning classification of said property.

Proposal

The language attached to this memorandum includes all the existing zoning districts incorporated by the Allen County Plan Commission with a specific zoning conversion to a classification designated in the City of Fort Wayne's Zoning Ordinance. The proposed amendment also provides a mechanism for the designation of annexed property, if no zoning conversion is specifically noted in this Article. This mechanism would provide for the Plan Commission to designate the appropriate zoning classification for the subject property based on the recommendations of the Comprehensive Plan, and existing and proposed development.

Recommendation

This amendment to the zoning ordinance has been long overdue. A comparison of the existing and the proposed text indicates that there are almost twice as many County zoning classifications as were included in the existing text. The exclusion of designated County zoning districts will create problems as annexed property is brought into the jurisdiction of the Plan Commission of the City of Fort Wayne. The proposed amendment will accomplish the objective noted in the "Background" section of this memorandum by providing for the orderly zoning conversion of annexed property from Allen County to the City of Fort Wayne.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

July 28, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-92-07-02

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of July 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE

Zoning Map Amendment

APPROVAL DEADLINE

REASON

From R-2 to M-3

DETAILS

Specific Location and/or Address

2535 Wayne Trace

Reason for Project

Future expansion of Fort Wayne
Anodizing.

Discussion (Including relationship to other Council actions)

20 July 1992 - Public Hearing

See Attached Minutes of Meeting

27 July 1992 - Business Meeting

Motion was made and seconded to return
the ordinance to the Common Council
with a DO PASS recommendation.

Of the six (6) members present, five (5)
voted in favor of the motion, one (1)
did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Anthony Wayne Corporation
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Detail column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

Project Start

Date 19 June 1992

Projected Completion or Occupancy

Date 28 July 1992

Fact Sheet Prepared by

Date 28 July 1992

Patricia Biancaniello

Reviewed by

Date

3 AUGUST 1992

Reference or Case Number

Bill No. Z-92-07-02 - Change of Zone #518
From R-2 to M-3
2535 Wayne Trace

Bill Branstrator, general manager of Fort Wayne Anodizing, 2535 Wayne Trace, appeared before the Commission. Mr. Branstrator stated that Fort Wayne Anodizing was started in 1953, and it was purchased in 1973 by Harris-Kayot, which is locally and privately owned and operated company. He stated that at present time they have 38 full time employees and 15 part time employees. He stated that they do four different types of processes and they are different from a plating shop in that they are not dealing in any of the materials that are related to a plating shop. He stated that their plans are for a 7200 sq ft hard-coat anodizing expansion. He stated that this will be their 4th expansion since the company was purchased in 1973. He stated that the anodizing process is the cleanest part of the business for metal finishing as far as OSHA and EPA is concerned. He stated that with the expansion they are talking about \$200,000 in cost for the new building, which will be handled by local contractors. He stated that they will be hiring an additional 12 to 18 full time employees. He stated that about 6 years ago they made promises to the City that they would uphold the grade of the neighborhood. He stated that they have done so by sodding their lawn and plantings. He stated that one of the last pieces of property they purchased was to the west of the building and they bought a condemned home and they have turned it into a green space. He stated that every property purchased by this company has been a condemned one. He stated that they have tried to purchase them and eliminate some of the eyesores in the area. He stated that Fort Wayne Anodizing has a long term commitment to the city in their location. He stated they have been in this area for 40 years. He stated that their lease does not run out until the year 2007. He stated that they also have two 5 year options that they can exercise at any time. He stated that their jobs are good paying jobs, running around \$10.75 per hour, they have full paid vacations, a pension program all holidays are paid and health insurance. He stated that they will not be detracting from the neighborhood and there will be no increased traffic on Roy Street. He stated that with the completion of the new building there will be 42 feet between the new building and the property line.

Robert Wright stated that the staff gave a do not pass recommendation but references some accommodations and questioned how we could best accommodate this company.

Greg Purcell, Executive Director of Community and Economic Development stated that the staff does have some mixed feelings on this request. He stated that the staff is interested in trying to accommodate and Steve Ranshaw and Mr. Branstrator had conversations concerning what could be done last week. He stated that the staff has some concerns about protecting what is left of the neighborhood. He stated that perhaps instead of rezoning a variance would be the way to go. He stated that is what they have been

discussing. He stated that hopefully they will have come to some resolution by the business meeting on Monday night and the staff could give them a report at that time. He stated that he felt the petitioner would prefer the rezoning, because for their long term interest that is probably their preferred alternative. He stated that they would at least like the opportunity to negotiate some other alternatives.

Bill Brown, representing the Old Penn Central Area Business Association, founded this year with a current membership of 35, appeared before the Commission. He stated that he feels what the petitioner is requesting to do is directly in line with their goals of business expansion and development, elimination of blight and job creation. He stated that it seemed to him that Fort Wayne Anodizing is about as good a corporate neighbor as you could find in the urban core. He stated he did not think the Commission should think about taking a chance on not accommodating their expansion, risking the fact of them relocating into the periphery. He stated that he realized there are difficulties that come into play with M-3 zoning. He stated he realized it was a tough decision for the Commission. He stated that the Old Penn Central Area Business Association intend to try and make the businesses and industry in the area realize that they need to be good corporate neighbors and support the residential areas that are around the existing urban core.

Archie Lunsey, Councilman for the 1st District spoke in favor of this rezoning. Mr. Lunsey stated that he has had a chance to go over the plans and has spoke with Mr. Branstrator concerning the traffic patterns and air pollution that could result with this expansion. He stated this company pays a good wage and this expansion will further increase employment. He stated that this is what they want to see in the inner core of the city, people expanding their businesses and taking care of their employees and in turn looking out for the residential areas. He stated that he has been in the real estate business and has been an appraiser for over 16 years and in his professional opinion he did not feel that this expansion would adversely affect the property values in the area.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

CASE NO. #518



R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-07-02; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1992.

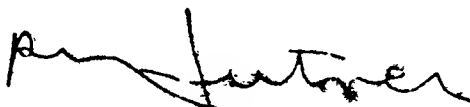
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

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Certified and signed this
28th day of July 1992.



Robert Hutner
Secretary

James R. Poiry, agent for Anthony Wayne Corporation, requests a change of zone from R-2 to M-3.

Location: 2200 block of Roy Street

Legal: See file

Land Area: Approximately 0.48 acres

Zoning: R-2

Surroundings:	North	R-2	Residential
	South	M-3	Industrial
	East	R-2	Residential
	West	R2/M3	Residential/Industrial

Reason for Request: Not stated.

Neighborhood Assoc.: Eastside Neighborhood Association

Comprehensive Plan: The land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: (1) to maintain existing development, (2) to halt deterioration, and (3) to encourage reinvestment.

Neighborhood Plan: Neighborhood Planning feels that new investment in this area will benefit those residents who still live here, however, ideally new investment in this area should be residential in nature. During 1992 CDBG funds are being used to construct new sidewalks, curbs and curbface walk along both Roy Street and Raymond Street.

Depending upon what the rezoning will bring, Neighborhood Planning could endorse the rezoning since new residential development seems unlikely. Screening between the remaining residences and the new project would be necessary.

In short, Neighborhood Planning wants reinvestment to occur and can endorse this plan as long as the continuity of the

neighborhood is not adversely effected.

Landscape: Rezoning to M-3 places little restraint on the impact of possible uses on the adjacent residences. A buffer should be developed between M-3 site uses and the adjacent homes.

Planning Staff Discussion:

Wayne Trace has developed as an industrial corridor due to the numerous facilities in that area. It is and has been convenient for vehicle and rail traffic, while supportive of residential development.

The Comprehensive Plan is promotes maintaining compatible developments in this area, while encouraging re-investment and putting a halt to any deterioration. CDBG funds are being used to construct new sidewalks, curbs and curbface walk along both Roy Street and Raymond Street.

Staff is strongly supportive of non-residential uses along the Wayne Trace frontage, and residential uses extending away from Wayne Trace. The requested M-3 designation is the most intense industrial classification under our ordinance. It allows a number of manufacturing and processing uses.

The requested classification is not compatible with the residential uses to the northeast. Approval would allow an encroachment into existing residential development that could impact not only property values, but also quality of life issues. While Wayne Trace can support this intensity of development, the intersecting streets were not intended for such uses. Approval of this petition would set the precedent allowing additional erosion of residential development, and possible deterioration of infrastructure.

Staff would note that if the property owner would be able to contain any proposed additions on the existing zoned parcels, it may be possible to develop these lots for parking, contingent upon Board of Zoning Appeals approval. Such a revised development proposal could have conditions placed that could mitigate the adverse effects on the residential area.

Recommendation: Do Not Pass for the following reasons:

- 1) Approval is not consistent with character of development in the immediate area.
- 2) Approval could have a negative impact on property values while establishing a precedent leading to further deterioration.

ADDENDUM:

Subsequent to the Public Hearing, the petitioner volunteered a two year pledge to maintain a 20 foot wide open greenspace area along the northeast property line of lot #10. This commitment would, to a limited extent, mitigate the concerns raised by the planning staff. Based on this commitment, the planning staff reversed its recommendation, and now recommends a "Do Pass" for the following reasons:

- 1) The voluntary greenspace commitment allows for mitigation of the proposed expansion while allowing time for a re-evaluation of the area.
- 2) Approval would encourage additional improvements of both a residential and non-residential character.



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

July 28, 1992

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

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City-County Building
One Main Street
Fort Wayne, IN 46802

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Bill No. Z-92-07-04

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of July 1992.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment From R-1 to R-3		

DETAILS

Specific Location and/or Address <p>3422 & 3424 Addison Avenue</p>
Reason for Project <p>Future expansion of the Professional Federal Credit Union at 1710 St Joe River Dr.</p>
Discussion (Including relationship to other Council actions) <p><u>20 July 1992 - Public Hearing</u></p> <p>See Attached Minutes of Meeting</p> <p><u>27 July 1992 - Business Meeting</u></p> <p>Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.</p> <p>Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.</p> <p>Motion carried.</p>

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Professional Federal Credit Union City Department Other
Opponents	Groups or Individuals See Attached Minutes Basis of Opposition -would cause a traffic hazard by increasing traffic in area -devalue property in area
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against <p align="center">Reason Against</p>
Board or Commission Recommendation	By <input type="checkbox"/> For <input checked="" type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to condition (See Details column for condition)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Reviewed by MJ Ganshaw Date 28 July 1992
Reference or Case Number _____

Bill No. Z-92-07-04 - Change of Zone #517
From R-1 to R-3
3422 & 3424 Addison Avenue

Yvonne Stam deferred from participation in this case's public hearing and abstained from the consideration of the case. She then retired the chair to Robert Hutner, the Secretary of the Plan Commission.

John Wernet, attorney for the petitioners the Professional Federal Credit Union appeared before the Commission. He stated that the petitioner has its office at 1710 St Joe River Drive. He stated that they are seeking to rezone Lots 2, 3 in the Mapleview Addition in the city of Fort Wayne, the property is located immediately to the west of the present office. The common address on the property is 3422 & 3424 Addison Avenue. He stated the area immediately to the north of the area requested to be rezoned is R-3 and being used as a dentist's office. He stated that currently 3424 Addison Street is owned by and being used by the Credit Union for parking under a BZA contingent use for parking. He stated that they have future plans to expand the credit union onto lots 2 & 3, the east 150 feet of those lots. He stated that both of the lots are 233 feet deep, so there would remain 83' x 100' sections that would remain R-1 even after the rezoning. He stated that this would allow for a buffer area and it would also provide that there would be nothing for 83 feet from the R-3 zone to Addison Street. He stated that the credit union would like to have B1B zoning, which is what the zoning is to the right, because the R-3 zoning will still require Board of Zoning Appeals approval for an office. He stated that this is a several step process. He stated the credit union has no immediate plans for the property, other than they will need to expand. He stated the parking on Lot #2 has a fence around it which was put there at the request of the city and they are willing to buffer with landscaping the area around the property to be rezoned. He stated that the staff recommendation of do not pass states that this request is not consistent with the goals and objectives of the Comprehensive Plan for the area. He stated that this area is in the Middle Ring. He stated that the Middle Ring as far as commercial and industrial is concerned is to maintain stable, commercial and industrial districts, and it is there position that this will maintain the area by not requiring any expansion of the credit union to become to dense. He stated in addition there is precedent for the R-3 as the dentist office to the north is R-3 and this would be an extension of that R-3 for 200 addition feet to the south of that area. He stated that he believed that the credit union addition would not infringe seriously in the R-1 zoning along Addison Avenue.

Bob Hutner asked if this would be a continuation of the same building.

Mr. Wernet stated that given there access, they have a driveway which goes along the west property line of the B1B, it would be an expansion of the building, but would probably not be on the ground

floor. He stated they would probably build a second floor walkway connecting the buildings.

The following people spoke in opposition to the proposed rezoning:

Kevin York, 3435 Addison Avenue
Ross Eagleton, 3004 Parnell Av
Barb Blauvelt, 3411 Addison Av
Ray Racine, 2410 Bolton Av, with Northside Neighborhood Association
William Coburn, 1550 St Joe River Dr
James Shearer, 3405 Addison Av
Richard Failor, 3335 River Forest Dr

Mr. York presented the Commission with a petition~~er~~ containing 108 signatures in opposition to the proposed rezoning.

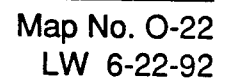
The opposition stated that they were opposed to the rezoning for the following reasons:

- increased traffic would cause a serious hazard to the residents and their children
- this rezoning would devalue the properties in the area
- they were concerned that even though they are not rezoning all of the way up to Addison Avenue, the Credit Union would request a curb cut onto Addison
- the Credit Union is violating the current B1B zoning by leasing and selling cars from there existing property
- the Credit Union is using the garage at 3422 Addison Avenue for storage of office equipment from the Credit Union
- this rezoning would have a corrosive effect on the whole neighborhood

In rebuttal John Wernet stated that they have no intention to request an access onto Addison Avenue. He also stated that he was not an expert on property values, and felt it would be impossible to state whether the extension of the credit union onto these two lots would cause a drop in property values in the area. He stated he was unaware of the credit union using a part of there current property for a car lot, but he would check into it and get back to the Commission.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

CASE NO. #517



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RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana July 14, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-92-07-04; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1992.

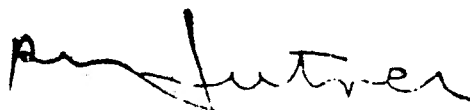
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 27, 1992.

Certified and signed this
28th day of July 1992.



Robert Hutner
Secretary

John J. Wernet, attorney for Professional Federal Credit Union, requests a change of zone from R-1 to R-3.

Location: 3422 and 3424 Addison Avenue

Legal: See file

Land Area: Approximately 1 acre

Zoning: R-1

Surroundings:

North	R1/R3	Office
South	R-1	Residential
East	B1B	Commercial
West	R-1	Residential

Reason for Request: Not stated.

Neighborhood Assoc.: Northside

Comprehensive Plan: The land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: R-3 uses are potentially intrusive into the character of Addison Street, but which could be buffered through BZA action for commercial uses allowed under R-3.

Planning Staff Discussion:

In 1984 a portion of the property immediately north was rezoned from R-1 to R-3 in order to expedite the re-use of the site as a doctors office. That petition was originally filed to reclassify the property to B-1-A, and was perfected due to the neighborhood concern of commercial encroachment into an established residential area. The ground immediately east is currently zoned B-1-B which is a limited business designation.

Staff is once again concerned with the impact that this requested zoning, and associated variance, could have on the residential

uses in the immediate area. While the Anthony Blvd. frontage is appropriately zoned for limited commercial uses, Addison Avenue is a residential street. St. Joe River Drive already experiences heavy traffic volumes due to the commercial development of Anthony Boulevard, and Concordia High School. Area residents have expressed their concern with traffic volumes and traffic safety, as well as the preservation of residential integrity.

The goal of the Comprehensive Plan for this area is to maintain investment and prevent deterioration in existing neighborhoods. The primary use in the area to the west and south is single family residential, with non-residential uses located to the north and east. R-3 uses are potentially destructive to the character of the Addison Street neighborhood, and could lead to a deterioration of the area. The only existing R-3 parcel is the eastern portion of Lot 1, which fronts on St. Joe River Drive.

The approval of this petition could set the stage leading to not only a loss of housing stock, but also to a general lowering of residential property values in this area. Non-residential development would be better directed to existing zoned property. This redirection would not only preserve the integrity of the Addison Avenue residential area, but would provide for re-use of existing commercial areas.

Recommendations: Do Not Pass for the following reasons:

- 1) Approval is not consistent with the goals of the Comprehensive Plan for this area.
- 2) Approval would allow non-residential uses to encroach into an established area, leading to a loss of housing stock, and a possible deterioration of residential property values.
- 3) Denial encourages the re-use of appropriately zoned ground located elsewhere.